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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,253	02/22/2005	Xavier Brahim	Q86237	3628
<div>23373      7590      01/04/2008</div> <div>SUGHRUE MION, PLLC</div> <div>2100 PENNSYLVANIA AVENUE, N.W.</div> <div>SUITE 800</div> <div>WASHINGTON, DC 20037</div>				
			<div>EXAMINER</div> <div>NGO, LIEN M</div>	
			<div>ART UNIT</div> <div>3754</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>01/04/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/525,253

Applicant(s)

BRAHIM ET AL.

Examiner

LIEN TM NGO

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia et al. (6,364,181). Garcia et al disclose, in figs.1-3, a fastener member for fastening a dispenser member (4) on a fluid reservoir, said fastener member comprising a fastener ring (2) and a covering hoop (1), the fastener ring (2) including reception means (24) for receiving the dispenser member (4), and fastener means (25) for fastening on the reservoir, the covering hoop (1) being mounted by axial engagement around the ring (2) in such a manner as to mask it at least in part, the hoop (1) including hook means (13) co-operating with retention means (26) formed by the ring (2), said hook means (13) include means (15,16) for preventing the hoop (1) from rotating around the ring (2) and preventing the hoop (1) from moving in axial translation, and thereby becoming axially disengaged from the ring (2), the retention means formed by the ring (2) including at least one retention housing (26) that is accessible by axial engagement, said means for preventing both turning and movement in translation co-operating with the retention housing (36), the means for preventing movement in including at least one barb profile (tooth) adapted to bite into the housing, wherein the retention housing (36) is defined by

two opposite, vertical, longitudinal walls (edge wall 26 and thin wall 23 ), the hook means (13) being engaged with said walls (26, 23).

3. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierpont (4,984,702). Pierpont discloses, in figs.1 and 2, a fastener member for fastening a dispenser member (82) on a fluid reservoir, said fastener member comprising a fastener ring (32) and a covering hoop (24), the fastener ring (32) including reception means (26) for receiving the dispenser member (82), and fastener means (22) for fastening on the reservoir, the covering hoop (24) being mounted by axial engagement around the ring (32) in such a manner as to mask it at least in part, the hoop (24) including hook means (54) co-operating with retention means (60) formed by the ring (32), said hook means (54) include means (56) for preventing the hoop (24) from rotating around the ring and preventing the hoop from moving in axial translation, and thereby becoming axially disengaged from the ring, the retention means 60 formed by the ring (32) including at least one retention housing that is accessible by axial engagement, said means for preventing both turning and movement in translation co-operating with the retention housing (60), the means for preventing movement in including at least one barb profile (distal edge 56) adapted to bite into the housing, wherein the retention housing (60) is defined by two opposite, vertical, longitudinal walls , the hook means (54) being engaged with said walls .

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LIEN TM NGO  
Primary Examiner  
Art Unit 3754

January 02, 2008

A handwritten signature in black ink, appearing to read 'Lien TM NGO', is written over the printed name of the Primary Examiner.